

BOA Legal Update

Kate Gleeson

KDHE Staff Attorney

KDHE Office of Legal Services

- Division of Environment attorneys
 - Darian Dernovish, Deputy Chief Counsel
 - Oversees DOE, DPH and DHCF
 - Kate Gleeson, Staff Attorney
 - BOA, BER, BOW
 - Jennifer Hackman, Staff Attorney
 - BWM, BER
 - New attorney starting soon
 - BOW, BER
- Role: Employed by KDHE to assist staff with legal interpretations, negotiations with outside parties, contract/agreement review, statute and regulation promulgation, coordinate with AG's office and other state attorneys, enforcement/judicial review litigation

Clean Power Plan

- Senate Bill 318, aka KSA 65-3031(j):
- (j) Due to the February 9, 2016, stay issued by the United States supreme court, all state agency activities, **studies and investigations in furtherance of the preparation of an initial submittal or the evaluation of any options for the submission of a final state plan** pursuant to the environmental protection agency docket EPA-HQ-OAR-2013-0602, codified as 40 C.F.R. part 60, shall be suspended until the stay is lifted. Nothing in this subsection shall be construed so as to restrict the ability of a state agency from communicating with, or providing information to, other state agencies in furtherance of any of the agency's statutory obligations.

Clean Power Plan



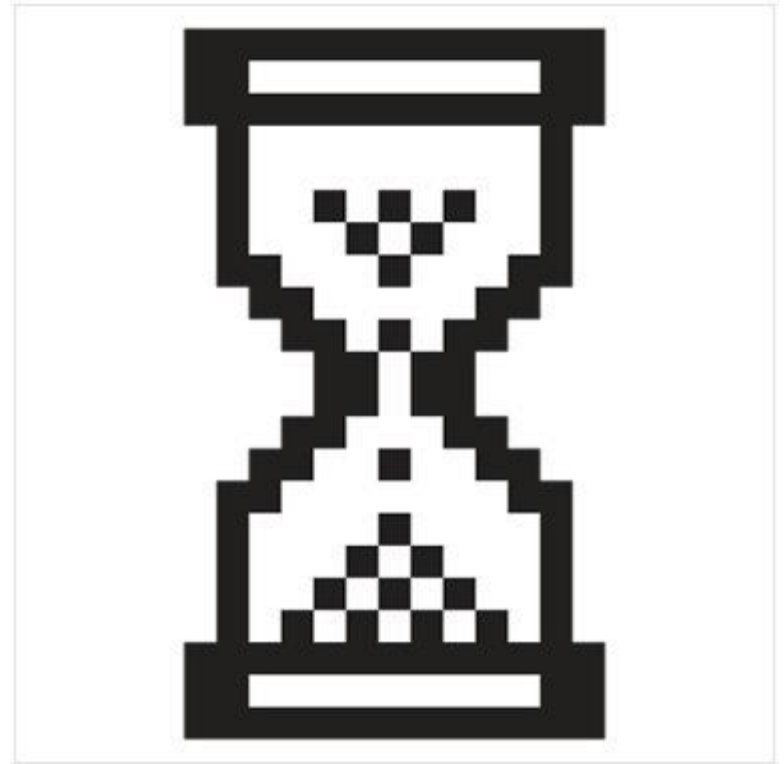
Clean Power Plan



- Expected timeline for litigation
- D.C. Circuit en banc oral argument in September
 - Ruling in late 2016 or early 2017
- Supreme Court ruling expected in late 2017 or 2018

Holcomb 2 permit

- Supreme Court of Kansas heard oral arguments on January 28, 2016
- Previous ruling took 14 months, so Spring 2017?



Questions?